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#28  
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IN RE APPLICATION OF

BEFORE THE BOARD OF APPEALS

Wells OBRECHT

Appeal No.: 2001-2120

Appl. No.: 08/900,360

Group: 2765

2163

Filed: July 25, 1997

Examiner: MEINECKE DIAZ, S.

For: METHOD AND APPARATUS FOR PROCURING  
GOODS IN AN AUTOMATED MANNER

**CLARIFICATION LETTER**

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

April 19, 2002

ATTN: U.S. Patent Board of Appeal and Interferences  
Crystal Gateway 2 - 10<sup>th</sup> Floor  
Mr. Craig Feinberg

**RECEIVED**

**APR 24 2002**

**Technology Center 2100**

Sir:

**Facts:**

(1) In a letter to the Board dated September 25, 2001 papers were submitted which included a Reply Brief (dated July 3, 2001), three (3) copies are enclosed. Attached to the Reply Brief was a Declaration as explained in the Reply Brief. This was done because the original Reply Brief and Declaration were apparently lost in the Technical Art Center.

(2) In a communication from the Board of Appeals dated March 14, 2002, the application was remanded to the Examiner.

(3) On April 2, 2002, the Examiner correctly noted in section 1 that the Reply Brief was considered.

Discussion:

Also in this application there was a separate paper titled Declaration under 37 C.F.R. §1.131 filed July 3, 2001 with an explanation in the Reply Brief of July 3, 2001. On page 1 of the Reply Brief, there was a statement that complies with 37 C.F.R. §1.195 regarding the Declaration.

Clarification:

While the Examiner correctly indicated that the Reply Brief was considered, there was no specific reference made to the Declaration which was originally filed before the application was forwarded to the Board and filed with a proper showing under 37 C.F.R. §1.195.

It is not clear if the Examiner considered this Declaration on its merits under the provisions set forth in MPEP §1211.02 first text paragraph, starting with "Affidavits or Declarations." Accordingly, clarification is requested on this point.

For the convenience of review, a copy of the Declaration submitted on July 3, 2001 signed June 28, 2001 is enclosed in the event the Declaration has been misplaced by the PTO a second time.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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